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REMARKS

Claims 1-19 are pending. Of these, Claims 10-19 stand withdrawn as being directed to a non-elected invention.

In the Final Office Action dated December 23, 2005, Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 1,279,734 to McCarthy ("McCarthy"). Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 4,620,370 to Zownir, *et al.* ("Zownir"), Claim 5 was rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 790,143 to Low ("Low"), and Claims 8 and 9 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with U.S. 4,594,782 to Willard ("Willard"). In addition, Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with Low; Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being obvious over McCarthy in combination with Low and Zownir; and Claims 8 and 9 were rejected as being obvious over McCarthy in combination with Low and Willard. For the following reasons, it is believed that these rejections are all overcome, and that Claims 1-9 are all allowable.

Independent Claim 1 has been amended to recite a cue stick tip shaper for shaping and reshaping a cue tip on a cue stick used for playing pool or billiards that comprises a base; an arrangement of articulable guides for receiving and aligning a cue stick tip received therebetween, each guide independently slidable relative to the base; and a scuff surface arranged on said base in alignment with said guides "for shaping a playing surface of said cue tip." (Emphasis added). Support for this amendment can be found in the present specification at, for example, page 1, line 3 through page 2, line 7; page 12, lines 2-8; page 16, line 9 through page 17, line 3; and Fig. 1.

With the entry of the present Amendment, Claim 1 is clearly distinguishable from the cited McCarthy reference. McCarthy describes a device for cutting a tenon (Y') in a shaft, such as a billiard cue. (*See, e.g.*, page 1, lines 40-43; page 2, lines 24-29; 80-91; Figs. 2-4 & 7). McCarthy also describes using the device to trim or smooth the shaft at right angles to its longitudinal axis (*see, e.g.*, page 1, lines 44-47; page 2, lines 26-29; Fig. 8), and to circumferentially dress or trim the shaft, such as smoothing out slightly varying diameters

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between a cue shaft and a newly-applied tip (*see, e.g.*, page 1, lines 48-50; page 2, lines 29-33, 92-99; Fig. 9). However, McCarthy clearly fails to teach or suggest a cue stick shaper having a "scuff surface . . . for shaping a *playing surface* of [the] cue tip," as is recited in Claim 1. The knives 21, 22, 23 described in connection with McCarthy's device are not "scuff surfaces" as recited in Claim 1. The knives of McCarthy are used to make specific cuts into the cue shaft, not to shape the playing surface of the tip. McCarthy does not even mention shaping or reshaping the playing surface of the tip, and does not appear to even recognize the problem of the playing surface of the cue tip becoming misshapen through use. The types of cuts described in McCarthy are either totally unrelated to the playing surface of the tip (*i.e.* circumferential and right-angle trimming), or would create tip surfaces wholly unsuitable for play (*i.e.* a tenon). McCarthy's device appears to be used to form tenon joints in cue sticks so that a different tip can be attached to the cue. McCarthy is entirely unrelated to the problem of shaping the playing surface of a cue tip. Accordingly, it is believed that the Examiner's § 102 rejections of independent Claim 1 and dependent Claims 2 and 5-7 are overcome.

Turning now to the obviousness rejections, the deficiencies described above in connection with the primary McCarthy reference are not overcome by the cited secondary references. Similar to McCarthy, the Zownir patent does not relate to the shaping or re-shaping of the *playing surface* of the cue tip, but rather to trimming the *outer circumference* of the cue so as to make the outer periphery of the tip co-extensive with the cylindrical outer surface of an adjacent ferrule. (*See, e.g.*, col. 1, lines 43-47). The cutting blade 34 of Zownir is arranged parallel to the longitudinal axis of the cue, and thus it is not even possible for the Zownir apparatus to re-shape the playing surface of the tip. This cutting blade 34 is not a "scuff surface . . . for shaping a playing surface of [the] cue tip," as is recited in Claim 1. Zownir is related to trimming the outer circumference of the cue tip, which is an entirely different problem from the present invention, and fails to teach or suggest a scuff surface for shaping the playing surface of the cue tip.

Similarly, the Low patent is directed to an entirely different problem from the present invention, and does not teach or suggest a device "for shaping a playing surface of [the] cue tip," as is recited in the present claims. Low teaches a device "for removing old glue from and trimming and leveling the ends of billiard of like cues *preparatory to placing tips thereon.*" (*See,*

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e.g., page 1, lines 7-11). Low does not describe or in any way suggest shaping the playing surface of the cue tip.

The secondary Willard reference does describe a device having a carbide lined depression that can be used to shape the playing surface of a cue. However, as discussed in the Applicant's previous Amendment, Fig. 3 of Willard shows the disadvantage of its device requiring the cue stick be kept perpendicular to the plane of the device, else the tip shape would not be concentric with respect to the axis of the stick. Willard does not even recognize or acknowledge the problem of maintaining the stick in perpendicular alignment with the plane of the device, and certainly does not teach or suggest "an arrangement of articulable guides for receiving and aligning a cue stick tip received therebetween, each guide independently slidable relative to the base," as is recited in the present Claims. Furthermore, as discussed above, the other references cited by the Examiner relate to entirely different problems than the present invention, and do not relate at all to shaping the playing surface of a cue. Thus, there is no teaching, suggestion or motivation to combine any of the teachings of these disparate references to provide the invention as presently claimed, particularly since the problem of maintaining alignment of the cue stick while shaping the playing surface of the tip that the present invention uniquely solves was not even recognized in any of the prior art of record. Accordingly, it is believed that the obviousness rejections are all overcome, and that Claims 1-9 should all be allowed.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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